IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3636 OF 2006

Sanjay Bansi Pardeshi ..Petitioner.

Vs.

The Director, Maharashtra
State Council for Educational
Research and Training & Ors. ..Respondents.

Ms.Lalita Panchakshari for the Petitioner.
Mr.P.P.Kakade, A.G.P. for Respondent Nos.1 and 3.
Mr.P.S.Dani for Respondent No.4.

CORAM: F.I. REBELLO AND
R.M. SAVANT, JJ.
DATED: 5TH MARCH, 2007.

P.C. :

The Petitioner belongs to scheduled tribe category and has qualification of H.S.C. The Petitioner was selected by Respondent No.4. He thereafter applied for permission to do Diploma in Education (D.Ed.). The permission was rejected by Respondent No.1 and consequent to that, the present petition.

2. As the earlier permission was for the academic year 2005-06, the petition was amended for taking training in the year 2006-07. That period is also now really over.

3. On behalf of the State, Respondents, it is pointed out that permission was refused because the management, Respondent No.4 did not produce certificate to show that there was non-availability of concerned caste category trained candidate.

4. Respondent No.4 has filed an affidavit and, in paragraph 3, has set out that they made all attempts including by writing to the concerned department but no candidate was made available. The post also was advertised. It is only in these circumstances that Respondent No.4 proceeded to appoint the Petitioner herein.

5. Having considered the pleadings, we are of the opinion that Respondent No.4 did take steps to get the qualified candidates. It is only on not getting the qualified candidates the Petitioner was appointed on the post reserved for schedule tribe. The Petitioner belongs to schedule tribe category.

6. In these circumstances, on the Petitioner applying for the training for the academic year 2007-08, Respondent No.1 to consider the same and

grant the permission for doing the D.Ed. course by correspondence.

7. Rule is accordingly made absolute. There shall be no order as to costs.

(R.M. SAVANT, J.) **(F.I. REBELLO, J.)**